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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/540,035

03/31/2000

Jay S Walker

99-063

2466

22927

7590

11/16/2009

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2 HIGH RIDGE PARK  
STAMFORD, CT 06905

EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3696

MAIL DATE

DELIVERY MODE

11/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/540,035	WALKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Frantzy Poinvil	3696	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the remarks filed 7/15/2009.
2. ☒ The allowed claim(s) is/are 5,6,29,31-33,39-41 and 43-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

/Frantzy Poinvil/  
Primary Examiner, Art Unit 3696

## **DETAILED ACTION**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The abstract has been replaced with :

### Abstract

- - A system is provided in which a sale price is determined based on a product description, and the sale price is transmitted to a customer. The customer is not guaranteed what specific product will be sold to the customer before an agreement to purchase a product for the sale price is received from the customer. After receiving the agreement, a retailer selects a product conforming to the product description, and identifies the product to the customer. The retailer is able to evaluate a customer's individual demand based on the received description and to determine a sale price accordingly, thereby reducing losses associated with conventional single-price systems. Although this may result in different sale prices for an identical product, the system is perceived as fair because a higher-paying customer likely agreed to a different product description than a lower-paying customer, and neither would have agreed to the other's product description and sale price. The system also allows a retailer to mask product discounts by selecting undesirable redemption conditions under which to sell the product, such as pickup at a faraway location, even if the product is available at a closer location. As a result, the customer believes that the discount is attributable to the undesirable redemption conditions, rather than to

Art Unit: 3696

the product quality or to decreased demand. Accordingly, price and brand dilution are minimized. - -

On page 1 of the specification, the paragraph entitled "CROSS-REFERENCE TO RELATED APPLICATIONS" has been replaced with : - -

This application claims the benefit of original U.S. Application No. 60/165,435, filed November 15, 1999, entitled "Uniseller Internet Pricing", the content of which is incorporated by reference herein for all purposes.

This application is a continuation-in-part of co-pending U.S. Patent Application Serial No. 08/889,503, filed July 8, 1997, now U.S. Patent No. 6,249,772 entitled "Systems and Methods Wherein a Buyer Purchases a Product at a First Price and Acquires the Product from a Merchant that Offers the Product for Sale at a Second Price" which is a continuation in part of U.S. Patent Application Serial No. 08/997,170, filed December 22, 1997, now U.S. Patent No. 6,356,878 entitled "Conditional Purchase Offer Buyer Agency System", which is a continuation in part of U.S. Patent Application Serial No. 09/220,191, filed December 23, 1998, now U.S. Patent No. 7,386,508 entitled "Method and Apparatus for Facilitating a Transaction Between a Buyer and One Seller, which is a continuation in part of U.S. Patent Application Serial No. 09/337,906, filed June 22, 1999, now U.S. Patent No. 6,754,636 entitled "Purchasing Systems and Methods Wherein a Buyer Takes Possession at a Retailer of a Product Purchased Using a Communication Network", which is a continuation in part of U.S. Application Serial No. 09/359,265, filed July 22, 1999, now pending, entitled "System and Method for Facilitating and

Art Unit: 3696

Managing the Sale of Customized Travel Product Restrictions", which is a continuation of U.S. Patent Application Serial No. 09/388,723, filed September 2, 1999, now abandoned, entitled "Purchasing Systems and Methods Wherein a Buyer Takes Possession at a Retailer of a Product Purchased Using a Communication Network", the contents of which are incorporated by reference herein for all purposes.

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***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

Claims 5, 6, 29, 31, 32, 33, 39, 40, 41 and 43-50 are allowable over the art of record based on the applicant's arguments filed on 7/15/2009.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

Art Unit: 3696

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Frantzy Poinvil/  
Primary Examiner  
Art Unit 3696**

/FP/  
November 3, 2009